

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: **Brian P. JANOWSKI, et al.**

Appln. No.: **PCT/US2004/003605**

Filed: **February 5, 2004**

Title: **LOW PROFILE SPINAL
FIXATION SYSTEM**

Art Unit: **Not Yet Assigned**

Examiner: **Not Yet Assigned**

Attorney Docket No.: **79982**

Customer No.: **22242**

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**PETITION FOR REVIVAL OF AN INTERNATIONAL
APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED
UNINTENTIONALLY UNDER 37 C.F.R. §1.137(b)**

Dear Sir:

The above-identified International application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior of expiration of the time set in 37 CFR 1.495(b).

**APPLICANTS HEREBY RESPECTFULLY PETITION FOR REVIVAL OF
THIS UNINTENTIONALLY ABANDONED APPLICATION.**

The above-identified International Application No. PCT/US2004/003605 was filed February 5, 2004 (hereafter "the PCT Application"). The PCT Application is based on United States patent application Serial No. 10/358,530, filed February 5, 2003, and designating the United States. Pursuant to 35 U.S.C. §371, the payment of filing fees and completion of National Phase processing was due by August 5, 2005.

The entire delay in entering the national phase from the due date of 5 August, 2005, until the filing of the grantable petition under 37 CFR 1.137(b), was unintentional.

This Petition includes:

1. Petition fee under 37 C.F.R. §1.17(m)(1) in the amount of \$750.00 for a small entity;
2. Proper Reply, including:
 - a Transmittal letter concerning filing under 35 U.S.C. 371, PTO Form 1390, including an authorization to charge our Deposit account 06-1135 in the amount of \$400.00 in payment of the Filing Fees under 1.492 for a small entity ;
 - an Application Data Sheet;
 - a copy of Declaration and Power of Attorney (unexecuted);
 - a copy of the published PCT application WO 2004/071339 A2;
 - a copy of the International Search Report with Written Opinion; and
 - a Preliminary Amendment.

Favorable consideration of this Petition for Revival is earnestly solicited.


The Commissioner is hereby authorized to charge any additional fees which may be required in this Petition under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. A duplicate copy of this paper is enclosed.

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Date: September 15, 2005

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